

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Melinda Serin, Judson Russ, Long Soui Lim, Peri Kettler,
Gordon Redner, and Thomas J. Smith,

Plaintiffs,

vs.

Northern Leasing Systems, Inc., Jay Cohen, Rich Hahn,
and Sara Krieger

Defendants

Docket No.
06-CV-1625 (JSG)

**Declaration of Seth R. Lesser
In Support of Application for Attorneys' Fees**

SETH R. LESSER, an attorney admitted to the bar of this Court, declares, under penalty of perjury that:

1. I am a partner in Klafter Olsen & Lesser LLP. I make this declaration in support of Plaintiffs' application for attorneys' fees in this matter.

2. In connection with this matter, I acted as counsel to Mr. Chittur, Plaintiff's lead counsel, specifically with respect to settlement negotiation issues relating to this case and also as to some matters relating to trial preparation and practice. These are both areas in which I am employed by other law firms on a consultant basis based upon my experience in handling plaintiffs' consumer litigation. I also have been involved with Mr. Chittur in his other lawsuits against affiliates of Northern Leasing Systems, Inc.

3. The time that I spent in this action totaled 8.5 hours, which was recorded contemporaneously on my firm's time program. A copy of this time is attached as Exhibit A hereto. My billing rate for this work was \$660.00/hour which is my ordinary and customary billing rate and which is the hourly rate that my firm charges paying clients for my time.

4. A copy my CV is attached as Exhibit B hereto.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and corrected. Executed on this 29th day of December 2010, in Rye Brook, New York.

/s/ Seth R. Lesser

Seth R. Lesser

EXHIBIT A

Client Ledger											
ALL DATES											
Date	Received From/Paid To	Chq#	----- General -----			Bld	----- Trust Activity -----				
Entry #	Explanation	Rec#	Rcpts	Disbs	Fees	Inv#	Acc	Rcpts	Disbs	Balance	
Serin	billing folder										
Serin	Resp Lawyer: SL										
Feb 20/2006	Lawyer: SL 0.90 Hrs X 660.00										
25124	Pleadings-materials from Mr Chittur re new SDNY Northern Leasing case				594.00						
Aug 9/2008	Lawyer: SL 0.40 Hrs X 660.00										
25129	Settlement-emails to and from Mr Chittur re email to NL counsel re potential opening of settlementdiscussions and suggested points for same				264.00						
Aug 10/2008	Lawyer: SL 0.40 Hrs X 660.00										
25130	Settlement- final email to Mr Skoff re potential of discussion				264.00						
Aug 26/2008	Lawyer: SL 0.60 Hrs X 660.00										
25131	Settlement-emails to and from Mr Chittur re Serin demand letter review				396.00						
Oct 22/2008	Lawyer: SL 0.40 Hrs X 660.00										
25125	Pleadings-telephone call w/ Mr Chittur re Serin amended complaint				264.00						
Oct 26/2008	Lawyer: SL 0.40 Hrs X 660.00										
25132	Settlement-review and revisiosn to mediation letter to Ms Shaw				264.00						
Oct 27/2008	Lawyer: SL 0.20 Hrs X 660.00										
25133	Settlement-review and revisions to ediation letter to Ms Shaw (Serin section)				132.00						
Nov 6/2008	Lawyer: SL 0.60 Hrs X 660.00										
25134	Settlement-review demand letter final				396.00						
Jan 12/2009	Lawyer: SL 0.60 Hrs X 660.00										
25126	Pleadings-opp to MTD from Mr Chittur emails re same				396.00						
Jan 13/2009	Lawyer: SL 0.30 Hrs X 660.00										
25127	Pleadings-Serin opp review; suggestion to Mr Chittur				198.00						
Oct 12/2009	Lawyer: SL 0.30 Hrs X 660.00										
25136	Settlement-emails re JAMS mediation (Serin part)				198.00						
Oct 27/2009	Lawyer: SL 0.20 Hrs X 660.00										
25137	Settlement-conf call w/Mr Chittur re mediation and status of case				132.00						
Nov 4/2009	Lawyer: SL 0.40 Hrs X 660.00										
25138	Settlement-Serin part- comm re mediation and conf w/Ms Shaw re same				264.00						
Jun 10/2010	Lawyer: SL 0.40 Hrs X 660.00										
25128	update from Mr Chittur re status of csae and discovery				264.00						
Jul 13/2010	Lawyer: SL 0.50 Hrs X 660.00										
25135	Mr Chittur re status of case				330.00						
Oct 28/2010	Lawyer: SL 0.60 Hrs X 660.00										
25139	Settlement-emails to and from Ms Chittur re settlement stauts and email from Mr Chittur to Ms Shaw				396.00						
Nov 2/2010	Lawyer: SL 0.40 Hrs X 660.00										
25140	Settlement-emails to and from Mr Chittur re settlement possibilities and issues presented				264.00						
Nov 3/2010	Lawyer: SL 0.30 Hrs X 660.00										
25141	Settlement-additonal emails re settlemetn strucutre issues w/Mr Chittur				198.00						
Nov 6/2010	Lawyer: SL 0.40 Hrs X 660.00										
25142	Settlement-emails re final demand email to Ms Shaw				264.00						
Nov 8/2010	Lawyer: SL 0.20 Hrs X 660.00										
25143	Settlement-Mr Chittur re status				132.00						

			UNBILLED					BILLED				BALANCES					
TOTALS	CHE	+	RECOV	+	FEES	=	TOTAL	DISBS	+	FEES	+	TAX	-	RECEIPTS	=	A/R	TRUST
PERIOD	0.00		0.00		5610.00		5610.00	0.00		0.00		0.00		0.00		0.00	0.00
END DATE	0.00		0.00		5610.00		5610.00	0.00		0.00		0.00		0.00		0.00	0.00

			UNBILLED					BILLED				BALANCES					
FIRM TOTAL	CHE	+	RECOV	+	FEES	=	TOTAL	DISBS	+	FEES	+	TAX	-	RECEIPTS	=	A/R	TRUST
PERIOD	0.00		0.00		5610.00		5610.00	0.00		0.00		0.00		0.00		0.00	0.00
END DATE	0.00		0.00		5610.00		5610.00	0.00		0.00		0.00		0.00		0.00	0.00

Date		Received From/Paid To		Chq#	----- General -----		Bld ----- Trust Activity -----			
Entry #	Explanation	Rec#	Rcpts	Disbs	Fees	Inv#	Acc	Rcpts	Disbs	Balance
	Requested by			Seth						
	Finished			Saturday, November 13, 2010 at 02:51:49 PM						
	Ver			10.0 SP4 (10.0.20100527)						
	Matters			Serin						
	Clients			All						
	Major Clients			All						
	Client Intro Lawyer			All						
	Matter Intro Lawyer			All						
	Responsible Lawyer			All						
	Assigned Lawyer			All						
	Type of Law			All						
	Select From			Active, Inactive, Archived Matters						
	Matters Sort by			Default						
	New Page for Each Lawyer			No						
	New Page for Each Matter			No						
	No Activity Date			Dec 31/2199						
	Firm Totals Only			No						
	Totals Only			No						
	Entries Shown - Billed Only			No						
	Entries Shown - Disbursements			Yes						
	Entries Shown - Receipts			Yes						
	Entries Shown - Time or Fees			Yes						
	Entries Shown - Trust			Yes						
	Incl. Matters with Retainer Bal			No						
	Incl. Matters with Neg Unbld Disb			No						
	Trust Account			All						
	Working Lawyer			All						
	Include Corrected Entries			No						
	Show Check # on Paid Payables			No						
	Show Client Address			No						
	Consolidate Payments			No						
	Show Trust Summary by Account			No						
	Show Interest			No						
	Interest Up To			Nov 4/2010						
	Show Invoices that Payments Were Applied to			No						
	Display Entries in			Date Order						

EXHIBIT B

SETH R. LESSER, ESQ.
Two International Place, Suite 350
Rye Brook, New York 10573
914-934-9200
seth@klafterolsen.com

Seth Lesser is a partner in Klafter Olsen & Lesser, a New York, New Jersey and District of Columbia law firm where he practices in the areas of consumer advocacy, wage and hour litigation, and corporate governance, primarily on behalf of defrauded consumers, employees and businesses. He is admitted to the bars of those three jurisdictions, as well as two dozen federal courts (*see below*).

Mr. Lesser is a graduate of Princeton University, A.B., *summa cum laude* (1983); Oxford University, D.Phil. in Modern History, recipient of a Marshall Scholarship (1985); and Harvard Law School, J.D., *magna cum laude*, where he was an editor of the HARVARD JOURNAL OF INTERNATIONAL LAW and of the HARVARD ENVIRONMENTAL LAW REVIEW (1985). In addition, he was the coxswain of the Oxford Blue Boat in the Oxford-Cambridge Boat Race (1984 & 1985).

SUMMARY OF PROFESSIONAL ACTIVITIES

Since 1995, Mr. Lesser has primarily represented plaintiffs in class and collective actions and mass tort cases. He regularly speaks and writes on these topics, and is an editor of a treatise on class action law.

He has been the lead plaintiffs' counsel in dozens of successful class and/or collective actions in the areas of consumer, privacy, employment, mass tort and securities litigation. The cases where he has served as plaintiffs' counsel have returned hundreds of millions of dollars to clients. Federal Multidistrict Litigation proceedings where he was lead or co-lead counsel have including, among others, MDL-1346 (*In re Amazon-Alexa*) (sole lead); MDL-1352 (*In re Doubleclick*) (co-lead); MDL-1708 (*In re Guidant Implantable Heart Devices*) (co-lead); MDL-1739 (*In re Grand Theft Auto Video Game Consumer Litigation*) (sole lead); and MDL-1903 (*In re Pepsico, Inc. Bottled Water Sales Practices*) (sole lead). He has been on numerous MDL Executive/Steering Committees, including the Executive Committee in MDL-1845 (ConAgra Peanut Butter Products Liability Litigation), and serving as Law & Briefing Co-Chair of the Government Actions Committee in MDL-1657 (Vioxx Products Liability Litigation). Among other things, he was the lead New York class counsel in the Fen/Phen diet drug litigation and in that case obtained the first certification under New York law for a medical monitoring class, and was the New York class counsel in the settlement with American Home Products. In 2009, as part of his active representation of employees denied payment of overtime wages, he successfully tried to a verdict one of the first Fair Labor Standards misclassification cases ever taken to a jury, resulting in a judgment of \$5 million on behalf of 342 collective action plaintiffs, a result which has led to a pending \$42 million nationwide settlement. *Stillman v. Staples, Inc.*, No. 07-cv-849 (D.N.J.).

Mr. Lesser was the National Association of Consumer Advocates' Attorney of the Year in 2005 and is presently Co-Chair of the Board of Directors of that organization. From 1998 through 2001, he served as the representative of the American Council on Consumer Interests to the United Nations. At present, he is on the *Amicus* Committee of the American Association for Justice and is on the Second Circuit Courts Committee of the Federal Bar Council. In the recent past he was Co-Chair of the Food-Borne Illness Litigation Group of the American Association for Justice and was active in the Members Consultative Group of the American Law Institute's Restatement of the Law Third, Restitution and

Unjust Enrichment project. He is a member of, *inter alia*, the American Law Institute; the American Bar Association; the Second Circuit Federal Bar Council; the Bar Association of the City of New York; the National Association of Consumer Advocates; the American Association for Justice; and the National Employment Lawyers Association.

Other professional organizational appointments have included being the Chair of American Bar Association's Business Law Section's Environmental Litigation Subcommittee (1995-2002); the Co-Chair of the ABA's Business Law Section's Annual Review of Litigation (1995-1998); a member of the New York City Bar Association's Committees on Consumer Affairs (1995-1998) and Federal Courts (1998-2001); a member of the Federal Bar Council's Second Circuit Courts Committee (2006 to date); and Co-Chair of the American Association for Justice's Food-borne Illness Litigation Group (2007 to date). He also was the Chair of the National Association of Securities and Consumer Attorneys' Consumer Committee from 2003 to 2005. He was asked to draft revisions to New York State's class action law (2002-2003; Report, 2003), as well as having been involved in the drafting of numerous recommendations, testimony, reports, and other materials for various professional organizations. His election to the American Law Institute was in 2008 and he actively participated in the Members Consultative Group to the ALI's 2009 adoption of the Principles of Aggregate Litigation. In addition, Mr. Lesser is presently on the Editorial Advisory Board of the *Class Action Law Monitor*.

PUBLICATIONS (sample). Among others, Mr. Lesser's publications include:

"An Attorney's Reaction to Professor Kolodinsky's Observations," 44(3) THE JOURNAL OF CONSUMER AFFAIRS (Fall 2010)

Consumer Class Actions, Fifth Edition (2002) and Sixth Edition (2006) (Contributor & Ed.), published by the National Consumer Law Center

"Time price differentials in the rent-to-own industry: implications with empowering vulnerable consumers," 29(2) INTERNATIONAL JOURNAL OF CONSUMER STUDIES, 119-24 (March 2005) (co-author)

Annual Review of New York's Consumer Protection Statute, NEW YORK LAW JOURNAL (annual review articles, 1997-2005)

New Jersey's Consumer Fraud Law, NEW JERSEY LAW JOURNAL (review article, 2003)

"Internet Privacy Litigation and the Current Normative Rules of Internet Privacy Protection," *Considering Consumer Privacy*, Center for Democracy & Technology (March 2003; P. Bruening, ed.)

"Privacy Law in the Internet Era," INTERNET LAW & BUSINESS, September 2002

"The Second Circuit Cuts Back on Diversity Jurisdiction," NEW YORK LAW JOURNAL (April 16, 1997)

"New Pleading Requirements for Consumer Fraud Suits," NEW YORK LAW JOURNAL (October 25, 1996)

SPEAKING ENGAGEMENTS (sample). Among others, Mr. Lesser's engagements as a featured speaker have included:

Rand Institute for Justice for Public Justice: Conference on Alternative Litigation Finance

(Alexandria, Virginia 2010)

New Jersey Association for Justice: Meadowlands Seminar – The New Jersey Consumer Fraud Act (Secaucus, New Jersey, 2009)

Practicing Law Institute: Speaker at multiple conferences, including Consumer Financial Services Litigation (New York, 2000-2003, 2009) and the First through Fourth Institutes on Privacy Law (New York & San Francisco, 2000-2004)

American Council on Consumer Interests: Rent-A-Own – Consumer Issues (Orlando, Florida, August 2008)

American Association for Justice: The Status of Daubert Today (Philadelphia, July 2008)

Federal Bar Council Fall Retreat: Rule 23 in The Second Circuit (Lenox, Massachusetts, October 2007)

American Bar Association: Speaker at numerous conferences and teleconferences, including “Class Actions and Consumers,” (ABA Connection Teleconference, June 20, 2007); Fourth National Institutes on Class Actions (October 2005); “Class Action Practice After The Fairness Act of 2005” (Teleconference, March 17, 2005); Internet Privacy Issues (Teleconference Seminar, Sept. 19-20, 2001) (also featured in article on same topic in ABA JOURNAL, September 2001); Business Law Section’s Annual Review of Litigation (Various locations, 1995-1998) (co-chair)

Mealy’s Publications, Mealey’s Drug & Medical Device Litigation Conference (San Diego, May 2007)

National Association of Consumer Advocates: Speaker at various conferences on topics relating to consumer finances, class actions and complex litigation (Various locations, 1999-2007)

National Consumer Law Center: Speaker at Annual Symposium on Class Actions (Various locations, 2000-2009) and on other topics relating to consumer law

Mealy’s Publications, Representing Toxic Tort Victims (Philadelphia, Pennsylvania, 2003)

Computers, Freedom & Privacy (“CFP”) Conference, Speaker at 12th Annual Conference (San Francisco 2002)

Mealy’s Publications, Rezulin Conference, Speaker (Alexandria Virginia, 2000)

Reinsurance Association of America, Speaker on Year 2000 litigation issues (New York, 1999)

BAR ADMISSIONS

Mr. Lesser is admitted to the following Bars: State of New Jersey (1988); U.S. District Court, District of New Jersey (1988); State of New York (1989); U.S. District Court, Eastern District of New York (1989); U.S. District Court, Southern District of New York (1989); District of Columbia (1990); U.S. Court of Appeals, District of Columbia Circuit (1994); U.S. Court of Appeals, Ninth Circuit (1997); U.S. Court of Appeals, Tenth Circuit (1997); U.S. Supreme Court (1998); U.S. Court of Appeals, Second Circuit (1998); U.S. District Court, District of Colorado (2000); U.S. Court of Appeals, Sixth

Circuit (2001); U.S. Court of Appeals, First Circuit (2002); U.S. Court of Appeals, Third Circuit (2003); U.S. District Court, Central District of Illinois (2004); U.S. Court of Appeals, Seventh Circuit (2004); U.S. Court of Appeals, Eleventh Circuit (2005); U.S. District Court, Northern District of New York (2006); U.S. District Court, District of Connecticut (2006); U.S. District Court, Western District of New York (2010); U.S. District Court, Western District of Michigan (2010).

PERSONAL INFORMATION

Seth Lesser is married to Ellis Rosen Lesser and has four young daughters, Lily, Molly, Annabelle and Caroline. He resides in Chappaqua, New York, where he is the current President of the Hillholme Association.

December 2010